

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 8675 of 2005

Between:

Gram Panchayat Wajidnagar, Bichkunda Mandal,
Nizamabad District, Rep by its Sarpanch, Smt. K. Puspa

..... PETITIONER

AND

- 1 The District Panchayat Officer, Nizamabad.
- 2 Sri P. Chandrapal, S/o. Hanmandlu,
Wajidnagar Village, Bichkunda Mandal, Nizamabad District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, Order or direction more particularly one in the nature of Writ of Certiorari, calling for the records of the Respondent No. 1 herein in Order No. 274/2005-B2-Pan dated 7-4-2005 and quash the same as arbitrary, illegal, without jurisdiction and violative of principles of natural justice.

Counsel for the Petitioner: MR.V.TULASI REDDY

Counsel for the Respondent No.1: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the respondent No.2: Mr K.Raghuveer Reddy

The Court made the following:

ORDER:

When the W.P.M.P.No.1242 of 2005 in W.P.M.P.No.11480 of 2005 came up for hearing both the parties consented for disposal of the Writ Petition itself and accordingly the writ petition is taking up for disposal by this Court.

In this Writ Petition, the petitioner seeks to question the validity of the order No.274/2005-B-Pan, dated 07.04.2005 passed by the District Panchayat Officer, Nizamabad-first respondent herein.

Second respondent submitted application to the Grampanchayat-writ petitioner Seeking permission for construction of house. The application of the second respondent was considered and he was permitted to put up construction in an area admeasuring east and west 28 feet and north and south 36 feet. While so, the District Panchayat Officer-first respondent granted permission to the second respondent to put up constructions on the entire area as applied for. It is the contention of the writ petitioners that the District Panchayat Officer is not empowered to revise the orders passed by the Grampanchayat-writ petitioner. The writ petition has filed on the ground that the District Panchayat Officer-first respondent is not empowered to revise the order passed by the writ petitioner on the application of the second respondent. It is not disputed by the learned counsel appearing for the second respondent that the recourse open to the second respondent against the orders of the Grampanchayat-writ petitioner is filing revision before the Government under Section 264 of the A.P. Grampanchayat Act. It has been held by this Court in **T.KRISHNA MURTHY v. DISTRICT PANCHAYAT OFFICER** under Section 264 of the A.P. Panchayat Raj Act, 1994 that revisional powers are conferred on the Government only, but not on the District Panchayat Officer. In view of the settled principle of law, the order passed by the District Panchayat Officer-first respondent is not legal and proper and the same cannot be sustained.

Accordingly, the writ petition is allowed setting aside the order No.274/2005-B2-Pan,

dated 07.04.2005 passed by the District Panchayat Officer, Nizamabad-first respondent in favour of the second respondent. The second respondent is at liberty to file review as provided under Section 264 of the A.P. Grampanchayat Act questioning the action of the writ petitioners in not permitting the construction over an entire extent as sought for by him. No order as to costs.

17-06-2005

kvrn

That Rule Nisi has been made absolute as above

Witness the Hon'Ble Acting The Chief Justice Bilal Nazki, on this Friday, the seventeenth day of June, 2005.

To

1. The District Panchayat Officer, Nizamabad.
2. 2 CCs to G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT)
3. 2 CD copies.